

Reply to Office Action dated December 13, 2005

Appl. No. 10/708,825
60655.8600**REMARKS**

Applicants reply to the Office Action mailed on December 13, 2005, within the shortened statutory period for reply. Claims 1-47 were pending and the Examiner rejects claims 1-47. In reply, Applicants amend claims 1-3, 6, 8-10, 16, 19, 21, 22, 34, 35, 37, and 39, add claims 48-56, and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made, and therefore, Applicants have complied with 37 C.F.R. § 1.56.

Claim Rejections**§102 Rejections**

Claims 22, 23, 24, 26, 28, 35, 36, 38, 43 and 45 stand rejected under 35 U.S.C. § 102 as being anticipated by Black, U.S. Pat. No. 6,925,565 ("Black"). Applicants respectfully traverse.

Applicants' amendments to independent claim 22 and 35 render this rejection moot. Black teaches, at best, a fingerprint sensor associated with a transaction device. Black does not disclose or teach a method including at least determining "whether said proffered fingerprint sample is associated with a preset transaction limitation ... transaction is in compliance with said preset transaction limitation" as recited in independent claims 22 and 35.

Accordingly, Applicants assert that claims 22 and 35 are patentable over the cited reference. Similarly, claims 23, 24, 26, 28, 36, 38, 43 and 45 variously depend from claims 22 and 35 and contain all of the respective elements thereof. Therefore, Applicants assert that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 22, 23, 24, 26, 28, 35, 36, 38, 43 and 45.

§103(a) Rejections

Claims 1-15, 19, 20, 21, 25, 27, 29-34, 37, 39-42, 44, 46, 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Black. Claims 15, 33, 41 stand rejected over Black in view of Martizen, U.S. Publication No. 2002/0191816 ("Martizen"). Claim 16 stands rejected over Black/Martizen in view of Moebs, U.S. Publication No. 2005/0065872 ("Moebs"). Claim

AmExp. No. 200501411
1769093.2

Reply to Office Action dated December 13, 2005

Appl. No. 10/708,825
60655.8600

17 stands rejected over Black in view of Teicher, U.S. Pat. No. 6,257,486 ("Teicher"). Claim 18 stands rejected over Black in view of Goodman, U.S. Publication No. 2002/0043566 ("Goodman"). Claims 5, 21, 34 and 40 stand rejected over Black in view of Black, U.S. Publication No. 2005/0122209 ("Black II"). Applicants respectfully traverse these rejections.

Applicants' amendments to independent claims 1, 22, and 35 render these rejections moot. As indicated by the Examiner in the Office Action dated November 29, 2005, regarding claim 11 of application no. 10/710,308, "verifying whether the sample is associated with a preset transaction limit" is non-obvious.

Neither Black, Martizen, Teicher, Moebs, Goodman, Black II, nor any combination thereof, disclose or suggest a method including at least determining "whether said proffered fingerprint sample is associated with a preset transaction limitation," as similarly recited in independent claims 1, 22 and 35 or verifying that a "transaction is in compliance with said preset transaction limitation," as similarly recited in independent claims 22 and 35.

Accordingly, Applicants assert that claims 1, 22, and 35 are patentable over the cited references. Similarly, claims 2-21, 25, 27, 29-34, 37, 39-42, 44 and 46-47 variously depend from claims 1, 22 and 35 and contain all of the respective elements thereof. Therefore, Applicants assert that these claims are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-47.

NEW CLAIMS 48-56

New claims 48-56 variously depend from claims 1, 22, and 35 and contain all of the respective elements thereof. Therefore, Applicants assert that new claims 48-56 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

Reply to Office Action dated December 13, 2005

Appl. No. 10/708,825
60655.8600**CONCLUSION**

Applicants respectfully submit that the pending claims (56 total, 3 independent) are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: March 10, 2006By: Kirk Dorius
Kirk Dorius
Reg. No. 54,073

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6544
Fax: 602-382-6070
Email: kdorius@swlaw.com